

File 344/1/076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Michael BALDY et al

PATENT NO.: 6,901,853

SERIAL NO.: 10/816,130

ISSUED : JUNE 7, 2005

FILED

: APRIL 1, 2004

FOR : SPRAY DAMPING UNIT

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I hereby certify that this correspondence is being facsimile transmitted to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 at (571) 273-0025 on NOVEMBER 17, 2005.

Richard M. Goldberg(Name of Registered Representative)
and person sendingRichard M. Goldberg NOV. 17, 2005
(Signature and Date)

PAYMENT OF DEFICIENCY FEE UNDER 37 C.F.R. 1.28(c) AND
REQUEST FOR CHANGE OF STATUS FROM
SMALL ENTITY TO LARGE ENTITY STATUS

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

The issue fee was previously paid in good faith in the amount of \$700.00 on March 14, 2005 based on small entity status, and the filing fee was previously paid in the amount of \$385.00 in good faith on April 1, 2004 based on small entity status for the above-identified patent.

However, it has been discovered that such status as a small entity was established in error, and that applicant should have paid the large entity fee.

11/29/2005 SDENBOB1 00000066 071524 10816130
Void date: 11/29/2005 SDENBOB1 300.00 OP
11/29/2005 SDENBOB1 00000066 071524 255.00 DA
01 FC:1001 255.00 DA
02 FC:1051 255.00 DA
03 FC:1051 255.00 DA
04 FC:1051 255.00 DA

Adjustment date: 11/29/2005 SDENBOB1 10816130
04/06/2004 HALI11 00000032 071524 385.00 CR
01 FC:2001

Adjustment date: 11/29/2005 GWORDOF2
03/15/2005 EHAILE2 00000038 10816130
01 FC:2501 -700.00 OP

11/29/2005 GWORDOF2 00000019 10816130
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NOV 30 2005

11/29/2005 SDENBOB1 00000096 071524 10816130
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02 FC:1051

It has only been recently learned that, at the time of paying the filing fee and subsequent thereto, the applicant did not qualify for small entity status. Although the applicant itself has less than 500 employees, it was just learned that the applicant has foreign subsidiaries that it acquired just prior to paying the filing fee, and therefore, the total employees of the applicant, including its foreign subsidiaries, was and still is greater than 500 employees at such time.

Because of this inadvertent error, the filing fee and issue fee that were paid, were erroneously based on small entity status.

Therefore, payment is now being made, pursuant to 37 C.F.R. 1.28(c)(2) for the deficiency in these fees.

Specifically, according to the present fee schedule effective December 8, 2004, the basic filing fee for a large entity filed before December 8, 2004 (Fee Code 2001) is \$790.00. The present application was filed April 1, 2004. Further, the surcharge for late filing of the Declaration for a large entity (Fee Code 2051) is \$130.00.

Since applicant paid the basic filing fee of \$385.00, the deficiency is \$405.00, that is, the difference between the current large entity filing (\$790.00) and the previously paid small entity filing (\$385.00) fees.

There is also due a surcharge of \$130.00 for this late filing under 37 C.F.R. 1.16(f) of the basic filing fee, as

required by 37 C.F.R. 1.27(c)(3)(i).

As to the issue fee, the present issue fee is \$1,400.00 (Fee Code 1501). Since applicant paid the issue fee of \$700.00 at that time, the deficiency is \$700.00, that is, the difference between the current large entity issue fee (\$1,400.00) and the previously paid small entity issue fee (\$700.00).

Therefore, the total deficiency that is due is \$1,235.00, that is, \$405.00 plus \$130.00 plus \$700.00.

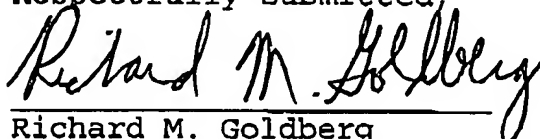
Enclosed is FORM PTO-2038 - Credit Card Payment Form, with authorization to charge \$1,235.00 to the undersigned's Credit Card for this deficiency.

CHANGE OF STATUS: Accordingly, it is also hereby requested that the status in the above application be changed from small entity to large entity status.

It is also requested that any deficiencies in the fees due resulting from this paper be charged to the undersigned's Deposit Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

Respectfully submitted,



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